



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095

(603) 271-3503 FAX (603) 271-2982



LETTER OF DEFICIENCY

WD WQE 04 - 04

April 23, 2004

Golden Oak Developers, LLC
24 Eastman Avenue, Unit C3
Bedford, New Hampshire 03110

Attn: Earney A. Mayo

RE: Violations of RSA 485-A:17 and RSA 482-A
Evergreen Estates, Laconia

Dear Mr. Mayo:

On April 14, 2004, personnel from the Department of Environmental Services ("DES") conducted an inspection of the *The Evergreens* subdivision project located in Laconia, New Hampshire, more specifically identified on Laconia Tax Map 234 as Lot 11 ("the Property"). The purpose of this inspection was to determine compliance with RSA 485-A:17, Env-Ws 415 and RSA 482-A:6, NH Admin. Rules Wt 100 *et seq.*

Based upon the field inspection, the following deficiencies were documented:

- a. Erosion control measures were minimal, not properly installed, or had not been maintained on the Property;
- b. The disturbed area was not stabilized and erosion of unstable soils had taken place; Rills and areas of accumulated sediment were evident;
- c. Sediment-laden runoff from the lots had entered the catch basins that had been connected to the existing drainage system; the sediment-laden runoff in the catch basins discharged to a detention pond downslope of the construction area. There was a large amount of sediment accumulated in the detention pond. The detention pond discharges directly into Paugus Bay by way of a cross road culvert. Turbid runoff was entering Paugus Bay. Water samples were taken and measured for turbidity.
- f. The result of the water samples is as follows:

| | |
|-------------------------------------|--|
| Background sample: | Less than 1 Nephelometric Turbidity Unit ("NTU") |
| Paugus Bay at culvert outlet: | 750 NTUs |
| Downstream sample(approx. 150 ft.): | 5.9 NTUs |

Paugus Bay is classified as a Class B surface water. Pursuant to Env-Ws 1703.11(b), turbidity in Class B waters shall not exceed naturally occurring conditions by more than 10 NTUs.

In response, you are requested to take the following action:

1. **Immediately stabilize the Property** and install erosion control measures as necessary to protect surface water quality and prevent erosion; remove all sediment from existing erosion control structures and from all drainage structures;
2. **Within 5 days of the date of this LOD**, prepare an erosion and sediment control plan ("Plan") for the Property, and submit said Plan to DES for review. The Plan shall include, at a minimum, temporary and permanent erosion control measures necessary to stabilize the site, protect surface water quality, and prevent further impacts to surface waters. The Plan shall also include a schedule for implementing the measures described in the Plan.
3. **Within 7 days of the date of this LOD**, implement the Plan on the Property, as approved by DES, in accordance with the approved schedule.

DES believes that the cited deficiencies can be corrected within the time periods established within this LOD. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party. DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A and RSA 485-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties.

Following completion of the necessary work, please submit a letter to DES certifying that the work requested in this Letter of Deficiency has been completed and provide DES with photographs documenting each stage of the work. Submit your report and photographs to:

Ana Ford
Department of Environmental Services
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, please contact Ana Ford at (603) 271-3380.

Sincerely,

A large, bold, black word "COPY" is stamped over a handwritten signature in black ink.

Ana Ford,
Compliance Specialist
Land Resources Management Program

cc:

Gretchen R. Hamel, DES Legal Unit Administrator

James Martin, DES Public Information Officer

Jody Connor, State Limnologist

Shanna Hallas-Burt, City of Laconia

Laconia Conservation Commission

Laconia City Council